

**TRANSMITTAL
FORM**

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/829,098
	Filing Date	04/21/2004
	First Named Inventor	Takahiro Tokunaga, et al.
	Art Unit	3753
	Examiner Name	John K. Ford
Total Number of Pages in This Submission	Attorney Docket Number	4041K-000197

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Michael J. Schmidt	Reg. No.	34,007
Signature					
Date	April 7, 2005				

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Michael J. Schmidt	Express Mail Label No.	EV 570 162 560 US (4/7/2005)
Signature		Date	April 7, 2005

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/829,098
Filing Date: 04/21/2004
Applicant: Takahiro Tokunaga, et al.
Group Art Unit: 3753
Examiner: John K. Ford
Title: AIR-CONDITIONING UNIT WITHOUT AIR-MIX DOOR
Attorney Docket: 4041K-000197

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Sir:

In response to the Office Action mailed March 10, 2005, Paper No./Mail Date 03022005, please consider the following.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1, 4, 6-11, 14 and 15, drawn to a heating & cooling system, classified in class 165, subclass 202.
- II. Claims 2, 5, 12 and 13, drawn to a cooling unit and bypass, classified in class 62, subclass 244.

- III. Claims 3, 5, 16 and 17, drawn to a heating unit and bypass, classified in class 237, subclass 12.3A.

Applicants, without traverse, respectfully request the Examiner to proceed with Invention I defined by Claims 1, 4, 6-11, 14 and 15. Applicants request that the non-elected Claims be held in abeyance for further prosecution in future divisional and/or continuation applications.

RESPONSE TO ELECTION OF SPECIES

The Examiner has required an election of species pursuant to 35 U.S.C. § 121 to one of the following patentably distinct species:

- I. The species principally illustrated in Figures 1-5;
- II. The species principally illustrated in Figure 6;
- III. The species principally illustrated in Figure 7;
- IV. The species principally illustrated in Figure 8;
- V. The species principally illustrated in Figure 9;
- VI. The species principally illustrated in Figure 10;
- VII. The species principally illustrated in Figure 11;
- VIII. The species principally illustrated in Figure 12;
- IV. An indeterminant number of additional variant species (not illustrated) that are disclosed on page 15, line 36 – page 17, line 7.

Applicants, without traverse, respectfully request the Examiner to proceed with Species I principally illustrated in Figures 1-5. Applicants believe that Claims 1, 6, 7, 9 and 10 read on the elected species. Applicants request that the non-elected Claims be

held in abeyance for possible rejoinder and/or further prosecution in future divisional and/or continuation applications.


CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 7, 2005
HARNES, DICKEY & PIERCE, P.L.C.
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(248) 641-1600

By: _____


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MJS/pmg